

Appl. No. 09/972,916

Response to the Restriction/Election Requirement dated April 21, 2004

Reply to Office Action of February 25, 2004

REMARKS

1. The specification has been amended to be consistent with the amendments made to the Sequence Listing. In particular, the amendments provide sequence identifiers for the sequences noted on pages 44, 45 and 53 of the application, are fully supported by the application, as filed, and do not introduce any new matter. Entry of same is respectfully requested.
2. In response to the restriction requirement, Applicant elects herewith, with traverse, the invention of Group I, directed to Claims 1-16. This election is being made without prejudice to the Applicant's rights to Claims 17-21. In this regard, Applicant respectfully requests the PTO to rejoin non-elected Claims 17-21, upon allowance of a product claim from the group of elected Claims 1-16.
3. In response to the election of species requirement, Applicant elects herewith, with traverse, the species set forth in SEQ ID NO.: 5. This election is being made without prejudice to the Applicant's rights to the non-elected species set forth in SEQ ID NO.: 3, SEQ ID NO.: 4, and SEQ ID NO.: 6. However, Applicant respectfully submits that under MPEP § 803.04, up to ten (10) sequences are to be examined without restriction. The present application includes four (4) sequences, a number well below

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the reasonable number under the MPEP. Accordingly, it is respectfully requested that the election of species requirement be withdrawn, and Claim 9 be examined in its entirety, as originally filed.

It is believed that no fee is due for this submission. Should that determination be incorrect, however, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully Submitted,



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